

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Commodity Futures Trading Commission,

Plaintiff,

INITIAL CONFERENCE ORDER

1:23-CV-3121 (CBA) (PK)

- v -

Fisher Capital LLC,  
AMS Consulting Solutions LLC,  
Alexander Spellane  
*also known as* Alexander Overlie,

Defendants.  
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The above numbered matter having been referred to the undersigned for pretrial supervision and the preparation of the Scheduling Order required by Rule 16(b) of the Federal Rules of Civil Procedure, an Initial Conference will be held by telephone at 10:30 a.m. on August 8, 2023 before Magistrate Judge Peggy Kuo.

Attorneys for all parties are directed to appear for the conference. Counsel for Plaintiff(s) must confirm with counsel for Defendant(s) that all necessary participants are aware of this conference. **Counsel with knowledge of the case must attend the conference; *per diem* counsel may not appear without prior permission of the Court.**

Pursuant to the undersigned's Individual Practice Rules, requests for adjournments of this or any other conference will not be considered unless made at least **two (2) business days** before the scheduled conference, except in the event of an emergency.

Prior to the Initial Conference, counsel must comply with Federal Rule of Civil Procedure 26(f). Counsel must meet and confer at least **ten (10) business days** before the Initial Conference to discuss the matters specified in Federal Rule of Civil Procedure 26. Counsel must also discuss (1) the scope of any anticipated electronic discovery, the preservation of electronically stored data, and the cost of locating, maintaining, and producing that data, and (2) whether any party will rely upon expert testimony, and if so, the proposed schedule for expert discovery. Together, counsel must complete the attached Proposed Discovery Plan and file it on ECF **at least five days** before the Initial Conference. The Court will consider the suggested deadlines and enter an appropriate Scheduling Order.

At the Initial Conference, counsel must be fully prepared to discuss not only deadlines for discovery and motions but also all issues relating to the case, including jurisdiction, venue, John/Jane Doe parties, and settlement.

All cases with counsel have been assigned to the Court's ECF system. Counsel must file all submissions electronically. It is the responsibility of the parties to monitor regularly the status of their cases to avoid missing deadlines and court appearances. Counsel must update the Court's records with any change of contact information so that they will receive all Court notices.

**SO ORDERED:**

**Peggy Kuo**

PEGGY KUO

United States Magistrate Judge

Dated: Brooklyn, New York  
May 10, 2023